

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NITTANY NOVA AGGREGATES, LLC,	:	Case No. 4:16-CV-00120
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
WM CAPITAL PARTNERS, LLC and	:	
WM CAPITAL PARTNERS, XXXIX, LLC,:	:	
	:	
Defendants.	:	

**ORDER**

October 26, 2016

AND NOW, in accordance with a Memorandum of this same date, IT IS  
HEREBY ORDERED THAT:

1. Defendants' Motion to Dismiss Plaintiff's Complaint (ECF No. 4) is  
GRANTED in part and DENIED in part.
2. Defendants' Motion to Dismiss is GRANTED with respect to  
Plaintiff's conspiracy (Count I), fraudulent misrepresentation/inducement  
(Count II), and negligent misrepresentation/inducement (Count III) claims.
3. Defendants' Motion to Dismiss is similarly GRANTED with respect  
to Plaintiff's request for attorney's fees.



4. Plaintiff is, however, given leave to file an Amended Complaint within twenty-one (21) days of the date of this Order re-asserting the dismissed tort claims.

BY THE COURT:

s/ Matthew W. Brann  
Matthew W. Brann  
United States District Judge